

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LISA ANN MCKINLEY,) Civil Action No. 7:15CV00166
Plaintiff,)
v.)
THE SALVATION ARMY,)
Defendant.)
)
)
)
VERDICT FORM
)
)
By: Hon. Glen E. Conrad
Chief United States District Judge

Question 1

Do you find that the plaintiff has proven by a preponderance of the evidence that she was subjected to harassment in the form of unwelcome verbal and/or physical conduct?

Answer yes or no. Yes

If you answered “yes” to Question 1, proceed to Question 2. If you answered “no” to Question 1, your verdict will be for the defendant on the hostile work environment sexual harassment claim and you need not answer the remaining questions.

Question 2

Do you find that the plaintiff has proven by a preponderance of the evidence that the harassment was because of the plaintiff's sex?

Answer yes or no. Yes

If you answered “yes” to Question 2, proceed to Question 3. If you answered “no” to Question 2, your verdict will be for the defendant on the hostile work environment sexual harassment claim and you need not answer the remaining questions.

Question 3

Do you find that the plaintiff has proven by a preponderance of the evidence that the harassment was sufficiently severe or pervasive to alter the conditions of the plaintiff's employment and create a hostile or abusive work environment?

Answer yes or no. Yes

If you answered "yes" to Question 3, proceed to Question 4. If you answered "no" to Question 3, your verdict will be for the defendant on the hostile work environment sexual harassment claim and you need not answer the remaining questions.

Question 4

- (a) Do you find that the plaintiff has proven by a preponderance of the evidence that the harassment was perpetrated by Mike Moffitt and that Moffitt was the plaintiff's supervisor?

Answer yes or no. No

If you answered "yes" to Question 4(a), proceed to Question 4(b). If you answered "no" to Question 4(a), proceed to Question 5.

- (b) Do you find that the plaintiff has proven by a preponderance of the evidence that the harassment culminated in a tangible employment action?

Answer yes or no. _____

If you answered "yes" to Question 4(b), your verdict will be for the plaintiff on the hostile work environment sexual harassment claim and you need not answer the remaining questions. If you answered "no" to Question 4(b), proceed to Question 4(c).

- (c) Do you find that the defendant has proven by a preponderance of the evidence that the defendant exercised reasonable care to prevent and correct any harassing behavior, and that the plaintiff unreasonably failed to take advantage of the preventative or corrective opportunities that the defendant provided?

Answer yes or no. _____

If you answered "no" to Question 4(c), your verdict will be for the plaintiff on the hostile work environment sexual harassment claim and you need not answer the remaining questions. If you answered "yes" to Question 4(c), proceed to Question 5.

Question 5

- (a) Do you find that the plaintiff has proven by a preponderance of the evidence that the harassment was perpetrated by a nonsupervisory coworker or coworkers?

Answer yes or no. Yes

If you answered "yes" to Question 5(a), proceed to Question 5(b).

- (b) Do you find that the plaintiff has proven by a preponderance of the evidence that the defendant knew or should have known of the harassment, and failed to take remedial action reasonably calculated to end the harassment?

Answer yes or no. No

If you answered "yes" to Question 5(b), your verdict will be for the plaintiff on the hostile work environment sexual harassment claim.

8-3-16
DATE

Tammy Craft
SIGNATURE OF FOREPERSON
Tammy Craft
PRINTED NAME OF FOREPERSON